

REMARKS

Applicants thank the Examiner for withdrawing the rejections in the Office Action dated January 30, 2008.

The Examiner has required restriction of the claims as follows:

Group I: Claims 1-15, drawn to a tablet that rapidly disintegrates in the oral cavity.

Group II: Claims 16-24, drawn to a method for manufacturing a tablet.

Applicants elect **Group I** and respectfully request that the Examiner consider claims 1-15, which read on the elected group.

Applicants respectfully traverse the restriction requirement. Citing MPEP § 806.05(f), the Examiner states that a product and its process of use can be shown to be distinct if the product as claimed can be used in a *materially different* process of using that product. (emphasis added) The Examiner cites the alternate process of coating a pharmaceutical agent by using fluidized coating, as well as “a number of processes” for taste-masking.¹ While not making any statement regarding the patentable distinctness of the claimed method, Applicants submit that the Examiner’s arguments are insufficient because the Examiner has not shown that the alternative process is *materially different* from the claimed method. In addition, the Examiner has not shown that there would be a serious burden on the Examiner if restriction were not required. (Applicants note that the Examiner already conducted three separate searches in this application and had not found searching seriously burdensome enough to require restriction of the claims previously.)

Accordingly, Applicants respectfully request that the requirement for restriction be withdrawn. In the event that the elected claims are found allowable, Applicants request rejoinder of the process claims 16-24, which read on Group II. *See* MPEP § 821.04(b).

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account

¹ The Examiner cites Roy, “Taste masking in oral pharmaceuticals,” *Pharmaceutical Technology*, April 1994,


50-1283. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR
EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: January 26, 2009

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pages 84-99 for "a number of process and formulations for achieving taste masking of bitter drugs."